

ORDINANCE NO. 9664-23

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA MAKING AMENDMENTS TO THE COMMUNITY DEVELOPMENT CODE, APPENDIX C, DOWNTOWN DISTRICT AND DEVELOPMENT STANDARDS, BY AMENDING DIVISION 3. CHARACTER DISTRICT STANDARDS, DIVISION 4. FRONTAGE STANDARDS, AND DIVISION 8. FLEXIBILITY; CERTIFYING CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN AND PROPER ADVERTISEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Clearwater adopted the Community Development Code on January 21, 1999, which took effect on March 8, 1999; and

WHEREAS, on August 2, 2018, the City adopted a new Downtown District and Development Standards as Appendix C of the Community Development Code to ensure Downtown redevelops with quality urban design, a high-quality public realm, and a dense and livable pattern of development; and

WHEREAS, the Public Amenities Incentive Pool was established by the Clearwater Downtown Redevelopment Plan ("Downtown Plan") to achieve the City's vision for Downtown Clearwater as the urban core and heart of the City which will be an attractive place to live, work, shop, and play and to overcome the numerous constraints affecting redevelopment; and

WHEREAS, the Public Amenities Incentive Pool provides projects an opportunity to gain additional density or increased floor area ratio when certain amenities that directly relate to the Downtown Plan's redevelopment goals are incorporated; and

WHEREAS, the City desires to streamline the allocation process by utilizing a two-tiered approach, with certain density or intensity increases approvable by the Community Development Coordinator; and

WHEREAS, the City has determined where the Community Development Code also needs clarification and revision in other sections relating to transition areas, step backs, and setbacks in Downtown; and

WHEREAS, the City desires for the Community Development Code to function effectively and equitably throughout Downtown; and

WHEREAS, the City has determined that these amendments to the Community Development Code promote and support the public health, safety, morals, and welfare, of the City's residents; and

WHEREAS, at a duly noticed public meeting the Clearwater Community Development Board, pursuant to its responsibilities as the Local Planning Agency, has reviewed this amendment, conducted a public hearing, considered all public testimony and has determined that this amendment is consistent with the City of Clearwater's Comprehensive Plan and recommended that the City Council adopt this amendment; and

WHEREAS, the City Council has fully considered the recommendation of the Community Development Board and testimony and evidence submitted at its public hearing; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. That Appendix C. Downtown District and Development Standards, Division 3. Character District Standards, Section C-301. Development Potential, be amended to read as follows, and all subsequent tables and applicable references within Appendix C. be renumbered accordingly:

Section C-301. – Development potential.

A. Maximum Development Potential.

1. Development in the Downtown District shall be consistent with the development potential set forth by location in the Clearwater Downtown Redevelopment Plan. Properties within the Downtown District shall have a future land use of Central Business District (CBD), which is consistent with the Activity Center (AC) Countywide Plan Map category and the Special Center subcategory in the Countywide Plan for Pinellas County. The maximum development potential set forth for each established character district is shown on Figures 3 through 7. Residential uses and overnight accommodation uses are regulated by density, or units per acre, while nonresidential uses are regulated by intensity, or floor area ratio (FAR). The development potential for mixed-use projects shall be determined consistent with Section 3-902.
2. The Public Amenities Incentive Pool and the Pool allocation process ~~are~~is established in the Clearwater Downtown Redevelopment Plan. The Pool allows for density and/or intensity increases ~~for projects~~ in excess of the allowable maximum development potential established for a parcel for projects that meet the goals, objectives, and policies of the Redevelopment Plan and are consistent with the vision established for the character district in which the projects are located. There are two approval processes available for projects requesting an allocation of units or intensity from the Pool, established herein.
 - a. Pursuant to Sections 4-201 and C-901, a pre-application conference shall be required for projects in the Downtown District. This meeting should also be used to vet any request for development potential from the Public Amenities Incentive Pool, the public amenities to be proposed, as well as any requested height bonus.
 - b. Tier 1 – Streamlined Allocation Process: The Community Development Coordinator may approve allocations of density and/or intensity from the Public Amenities Incentive Pool for certain projects in the Downtown District as part of a Level One (Flexible Standard Development) approval, consistent with the following:
 1. Projects must meet the specific criteria listed in Table 1. Tier 1 Public Amenities Incentive Pool Criteria.
 2. Pursuant to Section 3-902, vertical mixed-use projects are permitted to utilize the full allocation of residential density and nonresidential intensity.

For example, a vertical mixed-use project on a 1.0-acre parcel in the Downtown Core that includes rental residential units and Class A office space, consistent

with Table 1, could achieve a total density of 105 dwelling units per acre and a 5.0 FAR, as illustrated below.

<u>75 du/ac</u>	<u>(maximum base density in Downtown Core)</u>
<u>+ 30 du/ac</u>	<u>(40% density bonus, min. 50% units residential rental)</u>
<u>105 du/ac</u>	<u>(105 dwelling units permitted)</u>
<u>4.0 FAR</u>	<u>(maximum base intensity in Downtown Core)</u>
<u>+ 1.0 FAR</u>	<u>(25% FAR bonus, min. 25% of building's rentable floor area is dedicated to office use and is Class A Office space)</u>
<u>5.0 FAR</u>	<u>(217,805 SF permitted)</u>

- c. Tier 2 – Public Hearing Allocation Process: The Community Development Board may approve allocations of density and/or intensity from the Pool for projects as part of a Level Two (Flexible Standard Development) approval, including projects that do not qualify for the Tier 1 – Streamlined Allocation Process, consistent with the following:
1. Projects must that incorporate one or more improvements and/or payment of fees in-lieu of certain improvements that provide a direct benefit to Downtown revitalization, consistent with the eligible amenities listed in the Clearwater Downtown Redevelopment Plan.
 2. Pursuant to Section 3-902, vertical mixed-use projects are permitted to utilize the full allocation of residential density and nonresidential intensity.
- d. Projects requesting dwelling units and/or floor area through a Tier 1 or Tier 2 allocation process that are located on properties not identified as transitional properties on Figure 8. Maximum Height & Height Transitions may request an increase in height consistent with the following:
1. The determination about the height bonus will be based on the extent of the major amenities provided, project design, and compatibility with surrounding properties. There shall be a reasonable relationship between the extent of the allocation requested and increases in height.
 2. Increased height shall not exceed 20 percent of the maximum permitted height or a minimum height of 10 feet.
- e. Where a project is approved to utilize a payment in-lieu of a public amenity, payment shall be made prior to issuance of any building permit to construct building foundation(s) or vertical improvements based on the total construction cost.
- f. Development potential obtained through this allocation process shall not be transferred to any other site under any circumstances.

Table 1. Tier 1 Public Amenities Incentive Pool Criteria

<u>Requirement (Public Benefit)</u>	<u>Type of Bonus</u> <i>(Residential Density, Hotel Density, Floor Area)</i>	<u>Downtown Core</u>	<u>Old Bay</u>	<u>South Gateway</u>	<u>Prospect Lake</u>	<u>Downtown Gateway</u>
Rental residential units ¹ provided in project consistent with one of the following: <ul style="list-style-type: none"> • <u>Minimum 25% gross floor area is rental residential for a mixed-use project; or</u> • <u>Minimum 50% of units are dedicated rental if project is residential-only.</u> 	Residential (du/ac) Hotel (ov/ac) Floor Area (FAR)	40% -- --	40% -- --	40% -- --	40% -- --	40% -- --
Residential units ¹ provided in project consistent with one of the following: <ul style="list-style-type: none"> • <u>Minimum 25% gross floor area is residential for a mixed-use project; or</u> • <u>Project is residential-only (100% residential).</u> 	Residential (du/ac) Hotel (ov/ac) Floor Area (FAR)	20% -- --	20% -- --	20% -- --	20% -- --	20% -- --
Class A Office space provided in project consistent with all of the following: <ul style="list-style-type: none"> • <u>Minimum 25% of building's aggregate rentable floor area as defined by the Building Owners and Managers Association International (BOMA) is solely reserved for occupancy by office uses; and</u> • <u>Such rentable floor area is Class A as determined by the Economic Development and Housing Director.²</u> 	Residential (du/ac) Hotel (ov/ac) Floor Area (FAR)	-- -- 25%	-- -- --	-- -- --	-- -- 20%	-- -- --
Hotel use includes a minimum of 20% of gross floor area comprised of public function space (e.g., meeting rooms, ballrooms, banquet halls).	Residential (du/ac) Hotel (ov/ac) Floor Area (FAR)	-- 25% --	-- -- --	-- -- --	-- -- --	-- -- --
LEED Gold certification or equivalent as determined by the Community Development Coordinator achieved when project constructed. ³	Residential (du/ac) Hotel (ov/ac) Floor Area (FAR)	35% 20% 20%	35% 20% 20%	35% 20% 20%	35% 20% 20%	35% 20% 20%
Public parking provided through one of the following: <ul style="list-style-type: none"> • <u>Structured parking that includes a minimum of 10% of all required vehicle parking spaces or 20 spaces total, whichever is greater, reserved for public parking; or</u> • <u>Financial support to the city's parking fund or its successor fund equal to one and one quarter of a percent (1.25%) of the aggregate job value.</u> 	Residential (du/ac) Hotel (ov/ac) Floor Area (FAR)	35% 20% 20%	35% 20% 20%	35% 20% 20%	35% 20% 20%	35% 20% 20%
Property frontage(s) meet the city's streetscape standards consistent with the Master Streetscape Plan within the Clearwater Downtown Redevelopment Plan or as determined by the Community Development Coordinator and City Engineer (e.g., wider sidewalks, decorative street lighting, street furniture).	Residential (du/ac) Hotel (ov/ac) Floor Area (FAR)	35% 20% 20%	35% 20% 20%	35% 20% 20%	35% 20% 20%	35% 20% 20%
Electric Vehicle (EV) Parking Spaces provided in project consistent with all of the following: <ul style="list-style-type: none"> • <u>Minimum 20% of all required parking spaces and a minimum 10% for all additional parking spaces (not required), or 10 spaces total, whichever is greater, are EV-Ready;⁴ and</u> • <u>Minimum 5% of all required parking spaces and a minimum of 2% for all additional parking spaces (not required), or two spaces, whichever is greater, have electrical vehicle</u> 	Residential (du/ac) Hotel (ov/ac) Floor Area (FAR)	15% 10% 10%	15% 10% 10%	15% 10% 10%	15% 10% 10%	15% 10% 10%

supply equipment (EVSE) with Level 2 charging capacity or greater installed.						
Public art provided through one of the following: <ul style="list-style-type: none"> Minimum one percent (1%) of the aggregate job value up to the sum of \$350,000 per project for the provision of public art located in publicly accessible locations⁵; or Financial support to the city's public art fund or its successor fund equal to three quarters of one percent (0.75%) of the aggregate job value (applies to any portion of bonus requested). 	Residential (du/ac) Hotel (ov/ac) Floor Area (FAR)	10% 5% 5%	10% 5% 5%	10% 5% 5%	10% 5% 5%	10% 5% 5%
<u>Footnotes:</u> 1. <u>Projects providing affordable or workforce housing shall provide to the Community Development Coordinator a restrictive covenant, duly executed by the owner of the parcel(s), in a form approved by the city attorney, that has been recorded in the Public Records of Pinellas County, Florida. This covenant shall: address income restrictions; homebuyer or tenant qualifications; long-term affordability; any other applicable restrictions and qualifications pertaining to the development and the reserved affordable or workforce housing units; and shall run with the land and shall be binding on the assigns, heirs and successors of the applicant. Reserved affordable or workforce housing units that are provided under this section, whether rental or owner-occupied, shall remain as affordable housing for a minimum of 15 years from the date of initial occupancy. Prior to June 1st of each year, the property owner(s) or authorized property manager of any reserved rental affordable or workforce housing dwelling unit shall submit to the city's Economic Development and Housing Department Director an annual report for the preceding calendar year, in a format as approved by the city, in order for the city to verify that the tenants meet the income requirements for the reserved rental affordable housing dwelling units and that other stipulations in the covenant are being met.</u> 2. <u>Class A office space is defined as office space that features the finishes, amenities, building systems, and services within the building based upon the best quality 1% of office space present in the Tampa - St. Petersburg - Clearwater Metropolitan Statistical Area, and shall be verified by the city's Economic Development and Housing Director.</u> 3. <u>Applicant shall submit the LEED Project Checklist or equivalent documentation prior to building permit issuance. Additionally, applicant shall post a bond at time of building permit application equal to the cost to construct the equivalent number of units received from the density bonus utilizing the rental or other residential housing bonus detailed in this table. If the project does not achieve LEED Gold certification, this bond shall be forfeited, and monies deposited into the city's housing trust fund or its successor fund.</u> 4. <u>To be EV Ready the project must include a dedicated electrical circuit with sufficient capacity for future dedicated Level 2 charging or greater provided for each required space. Each circuit shall have conduit and wire sufficient to provide Level 2 charging or greater and shall end at an electrical box or enclosure located near each required space.</u> 5. <u>Aggregate job value shall be the combined job value of all building permits required for the construction of the project (e.g., site work, permits for individual structures, etc.)</u> <div style="display: flex; justify-content: space-between;"> <div> du/ac = dwelling units per acre ov/ac = overnight accommodation units per acre </div> <div> FAR = floor area ratio </div> </div>						

3. Residential density on parcels proposed for development within the Downtown Gateway Character District which have frontage along Street Type F shall be limited to no more than two dwelling units on local streets, including one duplex or a detached dwelling with carriage house only, or three dwelling units on collector streets, including one duplex and one carriage house.

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Section 2. That Appendix C. Downtown District and Development Standards, Division 3. Character District Standards, Section C-302. Building Height and Figure 8 be amended to read as follows:

Section C-302. - Building height.

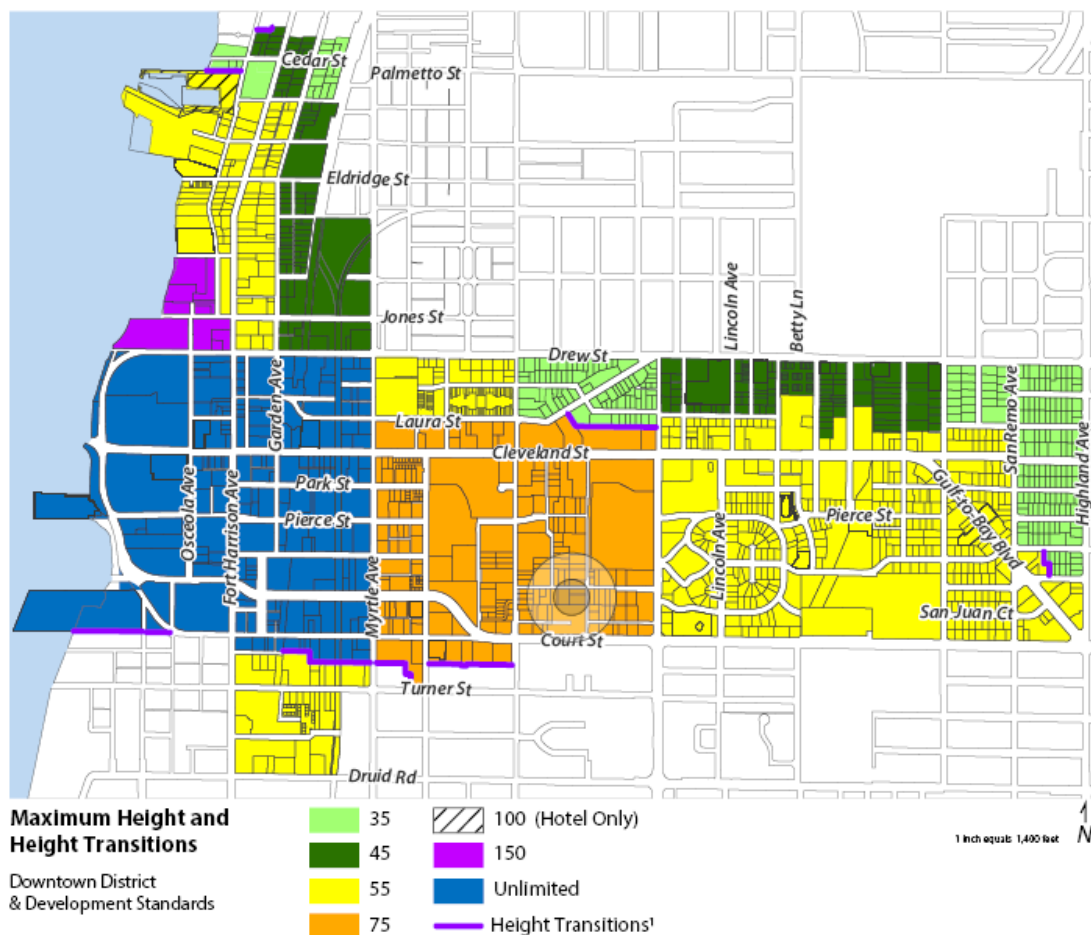
B. Height Transitions & Step Backs.

1. Buildings greater than 75 feet in height shall provide at least a 15-foot minimum façade step back from the lower floor façade at or between floors 3 through 6 along their frontage or along their primary street frontage if site has multiple street frontages. Buildings greater than 150 feet in height shall have an additional 15-foot minimum façade step back at or between floors 12 through 15 along their frontage or along their primary street frontage if site has multiple street frontage.
2. ~~Buildings along the boundary of the Downtown District and/or those~~ Those properties within the Downtown District for which the permissible maximum height would be greater than 10 feet higher than the permissible maximum height on an abutting parcel (see height transitions identified on Figure 8, Maximum Height & Height Transitions) shall have at least a 15-foot minimum façade step back from the lower floor façade between the 3rd and 6th floor along the property line(s) which abut the boundary and/or a property with a lesser permissible height.

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(Remove existing Figure 8. comprised of 1 map and replace with the following map with new footnote noting properties receiving allocations from the Public Amenities Incentive Pool are not permitted increases in height if located in height transition zones)

Figure 8. Maximum Height & Height Transitions



Section 3. That Appendix C. Downtown District and Development Standards, Division 4. Frontage Standards, be amended to read as follows:

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Table 43. Frontages and Street Types									
Frontages	General Character	Front Setback	Parking Location	Street Types					
				A	B	C	D	E	F
Storefront 1	Traditional "Main Street" conditions with continuous storefronts with high levels of storefront transparency.	3' max.	Rear yard parking. No parking along street frontages.	●	●	●			
Storefront 2	Traditional "Main Street" conditions with moderate levels of storefront transparency and allowance for side yard parking.	3' max.	Rear yard and limited side parking permitted.			●			
Workshop/ Flex	Flexible frontages with modest setbacks, discontinuous frontage and moderate transparency.	5' min.— 10' max.	Rear yard and limited side parking permitted.				●		
Urban Residential 1	Urban townhouse and apartments with individual entries and front stoops.	3' min.— 5' max.	Rear yard parking. No parking along street frontages.		●	●			
Residential* and Overnight Accommodation (Bed & Breakfast) Uses Only									
Urban Residential 2	Urban townhouse and apartments with modest landscaped setbacks and allowance for front porches and shared entries	8' min.— 15' max.	Rear yard parking <u>and limited side parking permitted</u> . No parking along street frontages.				●		
Neighborhood Infill	Single family houses, duplexes, townhouses, and small apartments with modest landscaped setbacks.	8' min.— 15' max.	Parking behind units accessed from side streets or shared drives.					●	
Neighborhood Conservation	Single family houses and duplexes with traditional front yards.	20' min.	Parking behind front façades accessed from private driveways.						●

* Except as provided for in Division 8. Flexibility

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Section C-406. – Workshop/flex frontage.

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B. Building Setbacks.

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2. Front building setbacks on Fort Harrison Avenue, Cleveland Street, and Osceola Avenue shall be increased to the extent required to allow for the creation of sidewalks widths consistent with the Master Streetscape Plan within the Clearwater Downtown Redevelopment Plan.

32. To promote the continuity of frontages along front setbacks, the space between buildings on the same or adjacent sites, or between building wings for “U”-shaped buildings, shall be 80 feet maximum. shall be 80 feet maximum.

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Section C-408. – Urban residential 2 frontage.

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B. Building Setbacks.

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2. Front building setbacks on Fort Harrison Avenue, Cleveland Street, and Osceola Avenue shall be increased to the extent required to allow for the creation of sidewalks widths consistent with the Master Streetscape Plan within the Clearwater Downtown Redevelopment Plan.

32. To promote the continuity of frontages along front setbacks, the space between buildings on the same or adjacent sites, or between building wings for “U”-shaped buildings, shall be 80 feet maximum. shall be 80 feet maximum.

* * * * *

Section 4. That Appendix C. Downtown District and Development Standards, Division 8. Flexibility, Section C-803.A. Character District Standards – Height Transitions, be renamed to read as follows:

Section C-803. – Flexibility provisions.

Flexibility may be approved subject to the standards below.

A. Character District Standards – Height Transitions & Step Backs.

* * * * *

Section 5. Amendments to the Community Development Code of the City of Clearwater (as originally adopted by Ordinance No. 6348-99 and subsequently amended) are hereby adopted to read as set forth in this Ordinance.

Section 6. The City of Clearwater does hereby certify that the amendments contained herein, as well as the provisions of this Ordinance, are consistent with and in conformance with the City's Comprehensive Plan.

Section 7. Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part declared to be invalid.

Section 8. Notice of the proposed enactment of this Ordinance has been properly advertised in a newspaper of general circulation in accordance with applicable law.

Section 8. This ordinance shall take effect immediately upon adoption, contingent upon and subject to the adoption of Ordinance No. 9663-23.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Brian J. Aungst Sr.
Mayor

Approved as to form:

Attest:

Matthew J. Mytych, Esq.
Senior Assistant City Attorney

Rosemarie Call, MPA, MMC
City Clerk